IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION No. 22526 of 2004**

Between:

1 Mr.A.Shiva Shankar, S/o.Naga Subbaiah,
R/o.Kadapa, Kadapa District.
2 B.Ibrahim Khan, S/o.Dadu Khan,
R/o.Kadapa, Kadapa District.
3 K.S.Sharma, S/o.Subrahmanyam,
R/o.Kadapa, Kadapa District.

**..... PETITIONERS**

AND

Rayalaseema Grameena Bank,

Kadapa rep.by its Chairman.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or orders, Direction or Directions declaring the action of the Respondent in initiating disciplinary action against the petitioners vide charge sheet dated 30-9-2004 as arbitrary, unreasonable and unsustainable and to forbear the Respondent from proceeding in pursuance to the said proceedings and pass such other order or orders.

**Counsel for the Petitioner: MR.V.SRINIVAS**

**Counsel for the Respondent: MR.K.SRINIVASAMURTHY FOR RVAK.**

**The Court at the admission stage made the following:**

**ORDER:**

Declaring the action of the respondent in initiating disciplinary action against the petitioners vide charge sheet dated 30.09.2004, as illegal and arbitrary, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned standing Counsel for the respondent.

The articles of charges are as follows:

Charge No.1:

> "You had addressed a letter dt.18.6.2004 to the Hon'ble Speaker, Parliament House complaining to him about the various affairs of the Bank i.e., interchange in the cadre of Scale III Officers, transfers, promotions etc., and requested him to order a Judicial enquiry into the contents of your complaint. Besides, you had endorsed the copies of the said letter to several Public Servants, Politicians, M.Ps., and a host of other dignitaries."

Charge No.2:

> "You had in the letter dated 18.6.04, addressed to the Hon'ble Speaker of Parliament House, indicated that Mr.M.Gangi Reddy, has signed as Chairman/General Secretary on behalf of Rayalaseema Grameena Bank, Staff Association though he had not signed the said letter in reality. Thus you had misrepresented the facts. Your above action clearly discloses that you had done with mischievous intention of misleading and influencing the Members of Rayalaseema Grameena Bank Staff Association to which Mr.M.Gangi Reddy is acting as General Secretary. Your above act is nothing but an attempt to mislead the section of the employees of the Bank besides showing wrongly to the authorities/Management of the Bank that there is a support from another Union to your allegations and it discloses your doubtful integrity."

Charge No.3:

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"You had signed the letter dt.18.6.04 which is under reference in the capacity of legal advisor/Secretary to the Co-ordination Committee of RGB Staff Association and RGB Officers' Union, thereby violated Regulation No.31 of Rayalaseema Grameena Bank (Officers & Employees) Service Regulations 2001. As per the above regulation no Officer, who is not a "workman" within the meaning of the Industrial Dispute Act, 1947 shall become or continue to be a member of Office Bearer of, or be otherwise directly or indirectly associated with, any Trade Union of the Employees of the Bank who are "workmen" within the meaning of that Act, or a Federation of such Trade Unions."

Charge No.4:

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"You are acting as legal advisor/Secretary to the Co-ordination Committee of RGB Staff Association and RGB Officers' Union as per the letter dt.18.6.04 addressed to the Hon'ble Speaker of Parliament House, without the permission from the Competent authority. This is violation of Regulation No.21 of Rayalaseema Grameena Bank (Officers & Employees) Service Regulations 2001.

As per Regulation No.21, No officer or employee shall accept, solicit or seek any outside activity, employment or office, whether stipendiary or honorary without the previous sanction of the competent authority. Contrary to this your are holding the office of the above Coordination Committee as Legal advisor/Secretary whether the same is stipendiary or honorary infringing the Staff Service Regulations."

Challenging the above articles of charges, the present writ petition is filed.

The authority, who passed the order, is not under challenge. The ground taken in the affidavit filed in support of the writ petition is that the alleged misconduct of the petitioners does not fall under any one of the Service Regulations. That aspect is to be decided by the Enquiry Officer. *Prima facie*, addressing a letter to the Honourable Speaker, Parliament House complaining about the various affairs of the Bank, is a gross indiscipline on the part of the petitioners. Therefore, initiation of disciplinary action cannot said to be as arbitrary and illegal. The writ petition is devoid of merit.

Therefore, the Writ Petition is dismissed. No order as to costs.

Dated: 24.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Chairman,

Rayalaseema Grameena Bank,

Kadapa

2. Two CD copies

*Form-NIC-OGS/WP{**JA**}*